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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,714	12/03/2003	W. Shaun Jackson	PUU-10002/29	6372

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GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,714	Applicant(s) JACKSON, W. SHAUN	
	Examiner FRANKIE L. STINSON	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/4/04</u> | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 5-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick et al. (U. S. Pat. No. 5,305,484) in view of Jackson (U. S. Pat. App. Pub. 2004/0211227).

3. Re claim 1, Fitzpatrick is cited disclosing a garment refreshing apparatus comprising the enclosure, hook and electrical (204, 151) that differs from the claim only in the recitation of the filter. Jackson is cited disclosing the filter (68) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Fitzpatrick, to include a filter as taught by Jackson, for the purpose of removing any malodors as taught by Jackson. Re claims 5 and 6, to have the filter removable and including a hinge it deemed to be an obvious matter of design that the same is consider to be a mere substitution of equivalents (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE). Re claim 7-11, Jackson discloses the enclosure as claimed. Re claims 12- and 13, Fitzpatrick discloses the voltage as claimed (col. 15, 5-9). Re claim 14 and 15, Fitzpatrick discloses the plenum (see figs. 6 and 8). Re claim 17 and 18, Fitzpatrick discloses the fragrance means (col. 15, lines 60-64).

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of Buckley et al. (U. S. Pat. No. 3,739,496).

Claim 3 defines over the applied prior art only in the recitation of the location of the fan and filter. Buckley is cited disclosing the claimed arrangement. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Fitzpatrick, to be as taught by Buckley, since the is considered to be a mere rearrangement of parts.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of Jedora (U. S. Pat. No. 4,120,180).

Claim 4 defines over the applied prior art only in the recitation of the location of the charcoal and filter. Jedora is cited disclosing that it is old and well known to employ charcoal to remove odors. It therefore would have been obvious to one having ordinary skill in the art to include a charcoal filter in Fitzpatrick, as taught by Jedora, for the purpose of absorbing odors.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 18-20 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fitzpatrick et al.

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8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick et al. in view of Buckley et al.

Claim 21 defines over the applied prior art only in the recitation of the location of the fan and filter. Buckley is cited disclosing the claimed arrangement. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Fitzpatrick, to be as taught by Buckley, since the is considered to be a mere rearrangement of parts.

Claim 21-22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of Jedora.

Jedora is cited as applied above.

9. Claims 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick in view of Jackson.

The patents to Fitzpatrick and Jackson are cited as applied to the corresponding subject matter the respective claims above.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Bilss, Chen et al., Crane, Gayring, Sussman, Kellerhal et al., Bullock, Payet et al., Weber, and Conley, note the treating means.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746